

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 22** - (Washington): Commending The Reverend Joe Samuel Ratliff.

**H.C.R. 27** - (Lyon): Honoring the East Texas Crisis Center.

**S.R. 31** - By Sharp: Extending welcome to Dr. Robert A. Williamson, Capitol Physician for the Day.

**S.R. 35** - By Henderson: Commending the Houston Junior Volleyball Stars.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:33 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, January 28, 1985.

**APPENDIX**

Sent to Governor  
(January 24, 1985)

**S.C.R. 12**

**S.C.R. 16**

**TENTH DAY**

(Monday, January 28, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Brooks, Sims.

A quorum was announced present.

The Reverend John D. Hardin, Pastor, Mount Olive Missionary Baptist Church of Jasper, offered the invocation as follows:

Our Father and our God, we thank Thee for this day and this opportunity. We thank Thee for our leaders whom You have chosen to serve, for You have given them the wisdom, knowledge and understanding to lead us. Paul said let every soul be subject unto the higher powers, for there is no power but of God, the powers that are ordained of God. Paul also said whosoever therefore resisteth the power, resisteth the ordinance of God. May we as citizens learn to obey our leader and the laws of the land. It's wonderful to live in our country and state, where we may set our own destiny, where freedom reigns in our state and in our lives. But the greatest of all laws is the one that Jesus gave, the new commandment, which says, a new commandment I give unto You, that ye love one another as I have loved you, that ye also love one another.

Guide us Lord, for we have not passed this way before, take care of our leaders, their families, their wives, mothers, fathers, and children, and when life must end and we too must quit this walk of life, may we say as Paul, If God be for us who can be against us, I have fought a good fight, I have finished my course, I have kept

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 24, 1985, was dispensed with and the Journal was approved.

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Mauzy.

## REPORT OF STANDING COMMITTEE

**S.B. 166**

**S.B. 245** by Henderson Intergovernmental Relations  
Relating to the authority of counties to provide law enforcement services on a fee basis.

<p><b>S.B. 247 by Montford</b></p>	<p><b>Jurisprudence</b></p>
<p>Relating to the offenses of use and manufacture, sale, or distribution of devices used to intercept, descramble, or decode subscription television transmissions and cable television services, the offense of making or maintaining an unauthorized cable connection, and to civil actions related to those offenses.</p>	

**S.B. 249** by Sharp Natural Resources  
Relating to the administration, powers, duties, and continuation of the Texas Department of Water Resources, the Texas Water Development Board, and the Texas Water Commission; the transfer of powers and duties over water and sewer utilities to the Texas Water Commission from the Public Utilities Commission of Texas; and the transfer of the powers and duties over certain municipal hazardous waste to the Texas Department of Water Resources from the Texas Department of Health; providing penalties.

**S.B. 251 by Williams** Intergovernmental Relations  
Relating to courtrooms, office space, equipment, and supplies for justices of the peace.

**S.B. 252** by Farabee Criminal Justice  
Relating to juvenile law-enforcement records and files; their keeping and permitted disclosure and use and certain fees; amending the Family Code, as amended, by amending Section 51.14; Subsections (a), (b), (e), (f), and (h), Section 51.15; and Section 51.16; and amending Subsection (a), Section 3, Article 37.07, Code of Criminal Procedure, 1965, as amended.

**S.B. 253** by Farabee Criminal Justice  
Relating to minimum standards for the detention of juveniles and the powers and duties of the Texas Juvenile Probation Commission; amending Subsection (c), Section 51.12, Family Code, as amended, and Section 75.041, Human Resources Code, as added.

**S.B. 254** by Sharp Natural Resources  
Relating to the continuation of the office of the Gulf States Marine Fisheries Compact Commissioner for Texas and to notice of commission meetings.

**S.B. 255** by Sharp Health and Human Resources  
Relating to the continuation, composition, powers, and duties of the office of the Interstate Compact on Mental Health Administrator for Texas and to the annual report filed by the Department of Mental Health and Mental Retardation.

**S.B. 256** by Parker Health and Human Resources  
Relating to regional administration by certain health-related state agencies.

**S.B. 257** by Parker Intergovernmental Relations  
Relating to the terms of court of the 344th District Court.

**S.B. 258** by Brown Intergovernmental Relations  
Relating to the right of a property owner to reject a city contract for the relocation or replacement of sanitation sewer laterals on the owner's property.

**S.B. 259** by Brown, Henderson, Williams Jurisprudence  
Relating to peace officers commissioned by certain rapid transit authorities.

**S.B. 260** by Mauzy Intergovernmental Relations  
Relating to the compensation of a deputy sheriff assigned to duty as a bailiff in certain counties.

**S.J.R. 11** by Sharp Natural Resources  
Proposing a constitutional amendment to authorize a change of the name of the Texas Water Development Board by statute.

**S.C.R. 28** by Farabee Jurisprudence  
Recommending joint establishment by the Supreme Court of Texas, the Texas Court of Criminal Appeals and the State Bar of Texas of a public information office to organize public education programs concerning the legal system.

#### **CO-AUTHORS OF SENATE BILL 2**

On motion of Senator Farabee and by unanimous consent, Senators Glasgow and Caperton will be shown as Co-authors of **S.B. 2**.

#### **CO-AUTHOR OF SENATE BILL 204**

On motion of Senator Sharp and by unanimous consent, Senator Sims will be shown as Co-author of **S.B. 204**.

#### **CO-AUTHOR OF SENATE BILL 48**

On motion of Senator Lyon and by unanimous consent, Senator Sharp will be shown as Co-author of **S.B. 48**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 27**

On motion of Senator Brown and by unanimous consent, Senator Sharp will be shown as Co-author of S.C.R. 27.

**CO-AUTHOR OF SENATE RESOLUTION 30**

On motion of Senator Truan and by unanimous consent, Senator Caperton will be shown as Co-author of S.R. 30.

**CO-AUTHOR OF SENATE BILL 46**

On motion of Senator Edwards and by unanimous consent, Senator Sharp will be shown as Co-author of S.B. 46.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 9**

On motion of Senator Williams and by unanimous consent, Senator Caperton will be shown as Co-author of S.J.R. 9.

**SENATE CONCURRENT RESOLUTION 31**

Senator Truan offered the following resolution:

RESOLVED, That the 69th Legislature of the State of Texas hereby direct the Texas Low-Level Radioactive Waste Disposal Authority to postpone any decision to pick a disposal site until after the effective date of new legislation passed by this legislature amending the Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1, Vernon's Texas Civil Statutes) or until September 1, 1985, if no new legislation is passed.

TRUAN  
TRAEGER

The resolution was read.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted.

**SENATE CONCURRENT RESOLUTION 27**

Senator Brown offered the following resolution:

WHEREAS, The United States Navy, as part of its announced strategic homeporting concept, is considering sites on the Gulf of Mexico for location of a battleship surface action group; and

WHEREAS, Central America and the Caribbean are regions vital to the national interest; and

WHEREAS, The State of Texas affords convenient access to both of these areas; and

WHEREAS, The State of Texas has a long history of close cooperation with the military forces of our nation, and stands ready to assist and support the Navy in every way possible; and

WHEREAS, Homeporting the surface action group in Texas would assure guaranteed and speedy access to fuel, excellent ship repair service, state-of-the-art technology, and unexcelled quality of life for Navy personnel and their dependents; now, therefore, be it

RESOLVED, That the 69th Texas Legislature in regular session hereby endorse and support the Navy's plans for strategic dispersal of the expanded fleet; and, be it further

RESOLVED, That this legislature urge the United States Navy to select a site on the Gulf Coast of Texas from the many excellent locations being proposed; and, be it further

RESOLVED, That this legislature pledge to assist the Navy and the Texas port so selected with every means at its disposal.

BROWN  
PARKER  
TRUAN  
BROOKS  
URIBE  
SHARP

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
January 25, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES:

For a term to expire January 31, 1991:

THE HONORABLE WENDELL A. ODOM  
3351 Plainview  
Pasadena, Texas 77504

(Judge Odom is replacing Dr. George G. Killinger of Austin, Travis County, Texas, who resigned.)

Respectfully submitted,

/s/Mark White  
Governor of Texas

#### GUESTS PRESENTED

The President presented the following guests seated with him on the President's rostrum: The Honorable Abraham "Chick" Kazen, former Member of Congress and the Texas Senate, and the Honorable Mary Haynes, County Commissioner of El Paso County.

The Members welcomed them as guests for today.

#### COMMITTEE SUBSTITUTE SENATE RESOLUTION 8 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time:

C.S.S.R. 8, Providing for Permanent Rules of the Senate of the 69th Legislature.

The resolution was read second time and was adopted by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Sims.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 2**, Relating to the calculation and use of the small school district adjusted allotment under the foundation school program.

The bill was read second time and was passed to engrossment.

#### **RECORD OF VOTE**

Senator Uribe asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Williams.

Nays: Uribe, Washington.

Absent: Whitmire.

Absent-excused: Brooks, Sims.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Uribe.

Absent: Whitmire.

Absent-excused: Brooks, Sims.

#### **SENATE BILL 33 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 33**, Relating to the transfer of human organs for valuable consideration and to offers to make such transfers; defining an offense and providing for a penalty; adding a new Article 4590-6 to Chapter 13, Title 71, Revised Statutes, as amended.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

(1) Amend **S.B. 33** by striking SECTION 1 in its entirety and substituting in lieu thereof the following:

SECTION 1. Chapter 48, Penal Code, is amended by adding a new Section 48.02 to read as follows:

"Section 48.02. PROHIBITION OF THE PURCHASE AND SALE OF HUMAN ORGANS. (a) 'Human organ' means the human kidney, liver, heart, lung, pancreas, eye, bone, skin, or any other human organ or tissue.

"(b) A person commits an offense if he or she knowingly or intentionally offers to buy, offers to sell, acquires, receives, sells, or otherwise transfers any human organ for valuable consideration.

"(c) It is an exception to the application of this section that the valuable consideration is: (1) a fee paid to a physician or to other medical personnel for services rendered in the usual course of medical practice; (2) reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the organ; or (3) reimbursement of expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.

"(d) A violation of this section is a felony of the third degree."

(2) Amend caption accordingly.

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 33 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brooks, Sims.

#### MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 130 ON SECOND READING

Senator Leedom asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**C.S.S.B. 130**, Relating to certain fees and the authority of commissioners courts to set such fees in counties having a population in excess of 1,500,000 but excluding any county with a city of more than 1,000,000 population.

There was objection.

Senator Leedom then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 130** for consideration at this time.

The motion was lost by the following vote: Yeas 24, Nays 4. (Not receiving four-fifths vote of the Members of the Senate)

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Williams.

Nays: Mauzy, Parker, Uribe, Washington.

Absent: Whitmire.

Absent-excused: Brooks, Sims.

#### **SENATE CONCURRENT RESOLUTION 6 ON SECOND READING**

Senator Jones asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.C.R. 6**, Urging Texas congressional delegation to pursue acceleration of research efforts of U.S. Environmental Protection Agency and U.S. Department of Agriculture relating to control and eradication of fire ants.

There was objection.

Senator Jones then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.C.R. 6** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Mauzy.

Absent: Washington, Whitmire.

Absent-excused: Brooks, Sims.

The resolution was read second time and was adopted.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the resolution.

#### **SENATE BILL 161 REREFERRED**

On motion of Senator Glasgow and by unanimous consent, **S.B. 161** was withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Intergovernmental Relations.

#### **MEMORIAL RESOLUTIONS**

**S.R. 41** - By Glasgow: Memorial resolution for Walter Edmond Orr.

**S.R. 42** - By Glasgow: Memorial resolution for John Windfield Tyson.

**S.R. 43** - By Glasgow: Memorial resolution for Mrs. Juanita Baskin Prendergast.

**S.R. 44** - By Glasgow: Memorial resolution for Tonya Jackson.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 26** - (Parker): Expressing support for the basing of a Navy battleship task force as a Texas port.

**S.C.R. 29** - By Brooks: Declaring January 29, 1985, Texas Public Health Association Day in Texas.

**S.C.R. 30** - By Howard: Designating March 22, 1985, as Texas Energy Day in conjunction with National Energy Day.



**S.R. 37** - By Caperton: Extending welcome to Dr. Art Caylor, Capitol Physician for the Day.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 12:03 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(January 18, 1985)

**S.C.R. 4**

**S.C.R. 7**

(January 24, 1985)

**S.C.R. 10**

**H.C.R. 17**

**H.C.R. 18**

**H.C.R. 20**

(January 25, 1985)

**S.C.R. 12**

**S.C.R. 16**

**S.C.R. 8**

**ELEVENTH DAY**

(Tuesday, January 29, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sims.

A quorum was announced present.

Senator Grant Jones offered the invocation as follows:

Heavenly Father, we thank Thee for the blessings which Thou has given us. Guide us and direct us in ways pleasing in Thy sight. Help us to know Thy will, Oh Lord, and act according to Thy will. In Christ's name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Jones.